IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 31ST OCTOBER 2006 / 9TH KARTHIKA 1928

Bail Appl..No. 6449 of 2006()

CRIME NO.719/2006 OF KOILANDI POLICE STATION
CRIME NO.363/2006 OF RANNI POLICE STATION

PETITIONERS

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1. SHIJO JOHN, S/O. K.V.JOHN,
   RESIDING AT KOOTTIYANICKAL HOUSE,
   MUTHAPPAN PUZHA P.O., THIRUVAMBADI,
   KODENCHERY AMSOM, NELLIPOYIL DESOM, KOZHIKODE.

2. SEENU P., S/O. KUNHIRAMAN NAIR,
   RESIDING AT KUTTIYIL HOUSE,
   THODANNUR P.O., VATAKARA VIA.,
   MANDALATTUR AMSOM DESOM, VATAKARA TALUK,
   KOZHIKODE.

3. VIPIN E., S/O. NANU,
   RESIDING AT ELANGOTTU HOUSE, KANNOKKARA P.O.,
   MADAPPALLY COLLEGE VIA, ONCHY AMSOM,
   KANNOKKARA DESOM, VATAKARA TALUK, KOZHIKODE.

4. SHIGIL P., S/O. BALAKRISHNAN,
   RESIDING AT NANDANAM, P.O.KATHIRUR,
   KATHIRUR AMSOM DESOM, THALASSERY.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER,
   KOILANDI POLICE STATION, KOILANDI,
   KOZHIKODE.

3. STATION HOUSE OFFICER,
   RANNI POLICE STATION, RANNI.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6449 of 2006

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Dated this the 31st day of October, 2006

O R D E R

The petitioners are accused Nos. 1 to 4, in Crime No.719/2006 of Koilandi Police Station, which has subsequently been transferred and re-registered as Crime No.363/2006 of Ranni Police Station, for the offence punishable under Sections 341 and 323 I.P.C., read with Section 34 of the Indian Penal Code and also under Section 4 of the Kerala Prohibition of Ragging Act, 1998.

2. The prosecution alleges that the petitioners, the second year students of T.T.C course in M.S.Teacher Training Institute, Ranni, Pathanamthitta District, had summoned the de facto complainant and three others to their room. Thereafter, they have extorted an amount of Rs.300/- per head. The de facto complainant, paid an amount of Rs.300/-. Using that amount, the petitioners and two local persons, who were present along with the petitioners, have made the de facto complainant to purchase, Indian Made Foreign Liquor. Thereafter, the

prosecution alleges that the accused had forced the de facto complainant and the others to drink the same. Accused also forced the de facto complainant to describe the features of a woman, which the victim did, as he knew. He was also undressed and made naked. This conduct of the accused had caused physical and psychological repercussions in him. Therefore, he went to the house and informed the matter. He was also hospitalised in different institutions. After discharge, a complaint was made to the Koilandi police, where he belongs to and, thereafter, he also quit the institution to join some other educational establishment, as he could not continue in that institution because of the psychological impacts of the incident. The police has registered the case, as cited above, against the accused, six in number, four students and two outsiders. The petitioners, who are accused Nos.1 to 4, the students of the institution, are before this Court, for a pre-arrest order under Section 438 Cr.P.C.

3. The occurrence took place on 15/10/2006. The victim had given a complaint on 19/10/2006, after his discharge from the hospital. The learned counsel for the petitioners

submits that the victim did not drink any liquor, he only left the place. However, the other facts alleged against the accused remain, prima facie, as revealed from the case diary file.

4. Considering the submissions made by either side, I direct the petitioners to surrender before the Investigating Officer, who is investigating Crime No.363/2006, of Ranni Police Station, on 06/11/2006, between 9.30 a.m and 10 a.m.

5. The Investigating Officer shall interrogate the petitioners and, thereafter, produce them before the competent Magistrate Court, on the same day itself. The learned Magistrate shall, on production of the petitioners, hear both sides and pass appropriate orders, on merit.

6. If the petitioners fail to appear, as directed by this Court, the Investigating Officer shall proceed against the petitioners, according to the law.

(J.M.JAMES)
Judge

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